

AO 91 (Rev. 11/11) Criminal Complaint

U.S. DISTRICT COURT  
N.D. OF N.Y.  
**FILED**  
JAN 10 2023  
AT 0'CLOCK  
John M. Domurat, Clerk for the Syracuse  
Northern District of New York

**UNITED STATES DISTRICT COURT**

**UNITED STATES OF AMERICA**

v.

**BRANDON WHITFORD,****Defendant.**Case No. 3:23-MJ-20(TWD)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From in or about October 2022 through in or about January 2023, in the county of Tompkins in the Northern District of New York the defendant violated:

*Code Section*  
18 U.S.C. § 2251(a)  
18 U.S.C. § 2252A(a)(2)(A)

*Offense Description*  
Sexual Exploitation of a Child  
Distribution of Child Pornography

This criminal complaint is based on these facts:  
See Attached Affidavit

☒ Continued on the attached sheet.

Martin Baranski

*Complainant's signature*

Martin Baranski, Special Agent FBI

*Printed name and title*

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: January 10, 2023

Thérèse Wiley Dancks

*Judge's signature*

City and State: Syracuse, New York

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT  
OF CRIMINAL COMPLAINT**

I, Martin Baranski, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of a criminal complaint charging Brandon Whitford with Sexual Exploitation of a Child, in violation 18 U.S.C. § 2251(a), and Distribution of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(2)(A).

2. I am a Special Agent employed by the United States Department of Justice, Federal Bureau of Investigation (FBI), and as such I am an “investigative or law enforcement officer” of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Chapter 63. I have been a Special Agent with the FBI since October of 2018. I am currently assigned to the FBI’s Albany Division where I investigate all federal criminal violations. I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251 and 2252A. I have received training in child sexual exploitation and have had the opportunity to observe and review examples of child pornography in all forms of media including computer media.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is probable cause for the requested complaint and does not set forth all my knowledge about this matter.

**PROBABLE CAUSE**

4. Since approximately August 2022, an FBI Online Covert Employee (“OCE”) has been working in an undercover capacity attempting to identify subjects involved in the online sexual exploitation of children. The OCE has been utilizing a social media application (the “App”) and has access to a broad network of “rooms” within the App. The App provides end-to-end encrypted communication between users, and the company that operates it does not maintain identifying information for its users.

5. On or about October 15, 2022, while in an App child pornography trading room, the OCE observed a user with a Gmail email address distribute over one dozen child pornography files. One such file, a video titled “Rotate 1,” depicted an approximately 6-year-old girl’s vagina being orally penetrated by an adult male.

6. On or about November 24, 2022, in the same child pornography trading room, the OCE observed the same user distribute over two dozen child pornography files. One such file, a video titled “1\_4922673669638980201,” depicted an approximately 8-year-old boy being anally penetrated by an adult male’s penis.

7. On November 27, 2022, the OCE observed the same user post approximately a dozen more child pornography files in the same App child pornography trading room.

8. The OCE engaged the user in a direct message App conversation. In sum and substance, the person alleged to have broad access to child pornography, including newly produced content and said:

- a. “My friend and I started a company. It first was to introduce content from a producer in the philippines and to share my own stuff of my 4yo friend. It has since

expanded. We have three other people who are state side with kids. There is one other philipine producer now too.”

9. Follow-up investigation associated the email address to Whitford. In March 2014, the United States District Court for the Eastern District of Michigan entered judgment against Whitford for receipt of child pornography, and Whitford was sentenced principally to 120 months’ imprisonment and five years of supervised release. Whitford was placed on supervised release in November 2021 and is supervised by the Probation Office for the United States District Court for the Northern District of New York.

10. On or about January 6, 2023, your affiant received information from FBI Headquarters that it had received from Danish law enforcement authorities. In sum and substance, Danish law enforcement advised the FBI that it had arrested an individual who was sexually abusing his children and sharing the media depicting the abuse within an App group dedicated to the production of child pornography where members were expected to produce and share child pornography to gain admission. The Danish subject consented to allow the Danish authorities to review his App account.

11. Danish authorities reported that an App user with the same email address observed by the OCE and described above posted two sets of child pornography to the group. The first depicted the sexual abuse of an approximately 4-year-old Philippine girl by an adult Philippine male, consistent with the user’s prior discussions observed by the OCE. The second set depicted the sexual abuse of an approximately 4-year-old Caucasian girl (“V-1”) by an adult Caucasian male. Although the Caucasian man’s face is not visible, his arms, hands, and pelvic area (including

thighs and penis) are visible. The adult male has some distinguishing marks on the areas of his body that are visible in the child exploitation videos.

12. The Danish offender reported that the App user observed by the OCE in a different child pornography trading room stated that he had hands-on access to V-1. The set of media provided by Danish law enforcement included three pictures and two videos. The three pictures depicted V-1 naked from the waist down holding a handwritten sign on spiral bound paper that included what appeared to be an App display and the name of the App group. In your affiant's training and experience, this was the user's attempt to be accepted into the group. The two videos depict the adult male rubbing his penis on the buttocks and feet of V-1, who appears to be sleeping or unconscious.

13. Based on the foregoing and other information, your affiant sought and obtained a federal search warrant for Whitford's residence and to take photographs of Whitford's person, among other things.

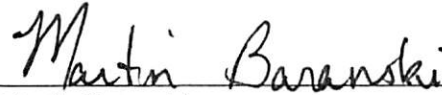
14. The FBI and other law enforcement agencies executed the search warrant on January 9, 2023. During the execution of the search warrant, your affiant observed distinguishing marks on Whitford's person consistent with the adult male in the media with V-1. Your affiant also interviewed Whitford. He was provided Miranda warnings. Whitford initially indicated that he wanted an attorney, and questioning stopped. Several minutes later, Whitford said to an agent that was sitting with him that he changed his mind and wanted to speak to investigators. I readvised Whitford that we had read him his rights previously, and he indicated that he wanted to talk with us. During the ensuing recorded interview, Whitford admitted that he was the adult Caucasian male described above with V-1, explained how he had access to V-1 (who your affiant now believes to

be identified), and that he has been trading child pornography in multiple App A groups and on at least one other application.

**CONCLUSION**

15. Based on the foregoing, your affiant respectfully submits that there is probable cause for the requested complaint.

Respectfully submitted,

A handwritten signature in black ink, reading "Martin Baranski", written over a horizontal line.

Martin Baranski  
Special Agent  
Federal Bureau of Investigation

I, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, hereby acknowledge that this affidavit was attested to by the affiant by telephone on January 10, 2023, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

A handwritten signature in blue ink, reading "Thérèse Wiley Dancks", written over a horizontal line.

Thérèse Wiley Dancks  
UNITED STATES MAGISTRATE JUDGE